

168TH DISTRICT COURT

CASE SUMMARY

CASE NO. 2015DCV0037

Omar Hernandez and Ivan Valdiviezo
VS
Minn Logistics and Clarence Guy

§
§
§
§

Location: 168th District Court
Judicial Officer: Lizarraga, Marcos
Filed on: 01/07/2015

CASE INFORMATION

Case Type: Injury or Damage - Motor Vehicle

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number 2015DCV0037
Court 168th District Court
Date Assigned 01/07/2015
Judicial Officer Lizarraga, Marcos

PARTY INFORMATION

Plaintiff

HERNANDEZ, OMAR

Lead Attorneys

GAITAN, ELOY

Retained

713-230-2200(W)

VALDIVIEZO, IVAN GERARDO

GAITAN, ELOY

Retained

713-230-2200(W)

Defendant

GUY, CLARENCE

MINN LOGISTICS, INC


DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

01/07/2015 Original Petition (OCA)

01/07/2015  E-File Event Original Filing
Plaintiffs' Original Petition

02/03/2015  Letter
DATED: 01.29.15 (CITATION INSTRUCTIONS)/ FROM: DEBBIE BOWYER, LEGAL
SECRETARY TO JIM HAR & ELOY GAITAN/ EM


02/26/2015  Other Pleading


03/04/2015  Other Pleading

SERVICE

02/09/2015

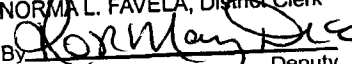
Citation

 MINN LOGISTICS, INC
Unserved

 GUY, CLARENCE
Unserved

MLD BACK TO ATT ELOY GAITAN IN SASE ON 02.09.15/ EM



A TRUE COPY, I CERTIFY
NORMA L. FAVELA, District Clerk
By  Deputy

168TH DISTRICT COURT

CASE SUMMARY
CASE NO. 2015DCV0037
FINANCIAL INFORMATION

DATE

Plaintiff HERNANDEZ, OMAR
Total Charges
Total Payments and Credits
Balance Due as of 3/13/2015

338.00
338.00
0.00



El Paso County - 168th District Court

Filed 1/7/2015 8:49:33 AM

Norma L. Favela
District Clerk
El Paso County
2015DCV0037

CAUSE NO _____

OMMAR HERNANDEZ AND
IVAN GERARDO VALDIVIEZO
Plaintiffs,

VS.

MINN LOGISTICS, INC., AND
CLARENCE GUY
Defendants,

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

EL PASO COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, OMAR HERNANDEZ and IVAN GERARDO VALDIVIEZO, hereinafter called Plaintiffs, complaining of and about MINN LOGISTICS, INC. and CLARENCE GUY, hereinafter called Defendants', and for cause of action shows unto the Honorable Court the following:

I. PARTIES AND SERVICE

1. Plaintiffs, OMAR HERNANDEZ and IVAN GERARDO VALDIVIEZO are residents of El Paso, Texas.

2. Defendant CLARENCE GUY is a resident of Apple Valley, California. Defendant may be served with process at 14050 Mohawk, Apple Valley, California 92307.

3. Defendant MINN LOGISTICS, INC. is a Minnesota Corporation and may be served with process through its registered agent's office at 2817 Anthony Lane S, Ste 211, Minneapolis, Minnesota 55418.



II. JURISDICTION AND VENUE

4. The subject matter in controversy is within the jurisdictional limits of this Court.

5. This Court has jurisdiction over the parties because Plaintiffs, OMAR HERNANDEZ and IVAN GERARDO VALDIVIEZO are Texas residents.

6. Plaintiffs' believe in the right of the jury to freely consider any amount of damages warranted by the evidence, and trusts the jury to reach a fair decision. However, to comply with Texas Rules of Civil Procedure 47 requiring a party to plead a category of monetary relief sought, the Plaintiffs seek monetary relief more than \$1,000,000.00

7. Venue is proper in El Paso County, Texas pursuant to Section 15.002 of the Texas Civil Practice & Remedies Code as all of the events or omissions giving rise to the claims occurred in El Paso County, Texas.

III. DISCOVERY

8. Plaintiffs intend discovery in this case to be conducted under the provisions of Texas Rules of Civil Procedure 190.4 (Level 3).

IV. FACTS

9. On September 8, 2014, Plaintiffs were driving eastbound on Interstate Highway 10 on the right lane in a 2012 Volvo tractor with an attached 2010 utility trailer. While in the course and scope of his employment with Defendant MINN LOGISTICS, INC., Defendant CLARENCE GUY was driving ahead of the Plaintiffs on the right, eastbound lane on Interstate Highway 10 in a 2015 Tractor Trailer with an attached 2001 Dorsey trailer. The Tractor Trailer was owned by Defendant MINN LOGISTICS, INC. Defendant CLARENCE GUY pulled over to the improved shoulder of IH-10 to check on equipment. While merging back onto the highway, Defendant CLARENCE GUY failed to yield the right of way to the on-coming traffic



and was struck from behind when CLARENCE GUY's vehicle attempted to merge without proper clearance. The front end of the vehicle driven by Plaintiffs struck the back end of Defendant CLARENCE GUY's vehicle.

10. Plaintiffs suffered severe and debilitating injuries due to Defendant CLARENCE GUY's failure to yield right of way and failure to maintain a proper look out while changing lanes. Specifically, Plaintiff OMAR HERNANDEZ suffered injuries to his lower back, abdomen, pelvis, knee, clavicle, sprains and strain of shoulder and upper arm, and an open wound on his head. Specifically, Plaintiff IVAN GERARDO VALDIVIEZO suffered injuries to his right shoulder, neck and lower back.

V. PLAINTIFFS' CLAIM OF NEGLIGENCE

11. Defendants had a duty to exercise the degree of care that a reasonably careful person and/or entity would use to avoid harm to others under circumstances similar to those described herein.

12. Plaintiffs' injuries were proximately caused by Defendants' negligent, careless and reckless disregard of said duty.

13. The negligent, careless and reckless disregard of duty of Defendant CLARENCE GUY consisted of, but is not limited to, the following acts and omissions:

a. In that Defendant CLARENCE GUY failed to keep a proper look out for Plaintiffs' safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;

b. In that Defendant CLARENCE GUY failed to keep a proper and safe distance away from the Plaintiffs' vehicle as Defendant was merging onto traffic, as a person exercising ordinary and prudent care would have done;

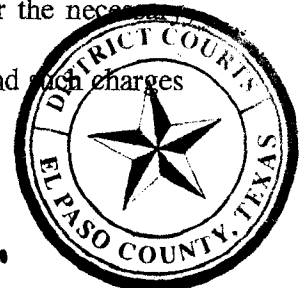


- c. In that Defendant CLARENCE GUY failed to change lanes, merging into traffic in a safe manner, in violation of Tex. Transp. Code § 545.060(a)(2);
 - d. In that Defendant CLARENCE GUY failed to maintain control of the vehicle as a person of ordinary prudence would have maintained under the same or similar circumstances;
 - e. In that Defendant CLARENCE GUY failed to take proper evasive action;
14. Defendant MINN LOGISTICS, INC. was negligent under the principle of respondeat superior.
15. The negligent, careless and reckless disregard of duty of Defendant MINN LOGISTICS, INC. consisted of, but is not limited to, the following acts and omissions:
- a. Failing to provide adequate supervision and driver training;
 - b. Failing to establish and enforce rules to ensure its drivers were able to perform their duties in a reasonably safe manner; and
 - c. Failing to ensure that Defendant CLARENCE GUY was qualified, certified and adequately trained.

VI. DAMAGES

16. As a direct and proximate result of the occurrence that makes the basis of this lawsuit, Plaintiffs OMAR HERNANDEZ and IVAN GERARDO VALDIVIEZO were caused to suffer serious bodily and mental functions and issues, and to incur the following damages:

- a. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiffs OMAR HERNANDEZ and IVAN GERARDO VALDIVIEZO for the necessary care and treatment of the injuries resulting from the accident claimed of herein and such charges

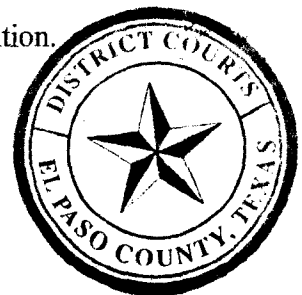


are reasonable and were usual and customary charges for such services in El Paso County, Texas;

- b. Reasonable and necessary medical care and expenses which will be in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering in the future;
- e. Physical impairment in the past;
- f. Physical impairment which, in all reasonable probability, will be suffered in the future;
- g. Loss of earnings in the past;
- h. Loss of earning capacity which will, in all reasonable probability, be incurred in the future;
- i. Loss of Household services in the past;
- j. Loss of Household services in the future;
- k. Disfigurement in the future;
- l. Mental anguish in the past;
- m. Mental anguish in the future;
- n. Fear of future disease or condition; and
- o. Cost of medical monitoring and prevention in the future.

VII. JURY DEMAND

17. Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Plaintiffs respectfully request and demand a trial by jury and tenders the appropriate fee with this petition.



VIII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs OMAR HERNANDEZ and IVAN GERARDO VALDIVIEZO, respectfully pray that Defendants be cited to appear and answer herein, and that upon a final hearing hereof, that Plaintiffs recover damages in accordance with the evidence, that Plaintiffs recover cost of court herein expended, that Plaintiffs recover interest to which Plaintiffs are justly entitled under the law, and for such other further relief, both general and special, both in law and in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

WILLIAMS KHERKHER HART BOUNDAS, LLP

By: _____

JIM HART

State Bar No. 09147400

ELOY GAITAN

State Bar No. 00790730

8441 Gulf Freeway, Suite 60

Houston, Texas 77017

(713) 230-2200 Telephone

(713) 643-6226 Facsimile

PIDept@williamskherkher.com - email

ATTORNEYS FOR PLAINTIFFS

A TRUE COPY, I CERTIFY
NORMA L. FAVELA, District Clerk

By: _____

Deputy



MAR 13 2015

WILLIAMS ♦ KHERKHER

ELOY GAITÁN

Attorney at Law
Board Certified Workers' Compensation Law
Texas Board of Legal Specialization

Direct 713-230-2326
egaitan@williamskherkher.com

January 29, 2015

OF COUNSEL
Ned Barnett
Robert C. Kuehn

Norma L. Favela
El Paso County District Clerk
500 E. San Antonio
Suite 103
El Paso, Texas 79901

FILED
NORMA L. FAVELA
DISTRICT CLERK
2015 FEB -3 AM 9:51
EL PASO COUNTY, TEXAS
DEPUTY

RE: Cause No. 2015DCV0037; *Ommar Hernandez and Ivan Gerardo Valdiviezo v. Minn Logistics, Inc. And Clarence Guy*; In the 168th Judicial District Court of El Paso County, Texas

Dear Ms. Favela:

Enclosed please find two (2) copies of the file-stamped petition to be attached to the citations we have previously requested to be served on the Defendants in the above entitled and numbered cause.

Please return the prepared citations to this office. We have enclosed a self-addressed, stamped envelope for your convenience.

If you have any questions, or require any additional information, please contact me at (713) 230-2317. Thank you for your courtesy and cooperation in this matter.

Sincerely,

WILLIAMS KHERKHER HART & BOUNDAS, LLP

Debbie Bowyer

Debbie Bowyer
Legal Secretary to Jim Hart & Eloy Gaitan

Enclosure(s) - as stated

A TRUE COPY, I CERTIFY
NORMA L. FAVELA, District Clerk
By *Rox May*
Deputy



Williams Kherkher Hart Boundas, LLP ♦ 8441 Gulf Freeway, Suite 600 ♦ Houston, Texas 77017-5051
713-230-2200 ♦ 1-800-220-9341 ♦ Fax 713-643-6226 ♦ williamskherkher.com



MAR 13 2015

863-CITATION-NON-RESIDENT NOTICE—Either Court—Class 3 (Rev. 1-88)

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **MINN LOGISTICS, INC.**, who may be served with process through its registered agent's office at **2817 ANTHONY LANE S, STE. 211 MINNEAPOLIS, MN 55418**

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **168th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Original Petition was filed in said court on this the 7th day of January, 2015, by Attorney at Law, **ELOY GAITAN**, 8441 GULF FREEWAY, SUITE 60 HOUSTON, TX 77017, in this case numbered **2015DCV0037** on the docket of said court, and styled:

OMAR HERNANDEZ AND IVAN GERARDO VALDIVIEZO vs. MINN LOGISTICS, INC. AND CLARENCE GUY

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition accompanying this citation and made a part hereof.

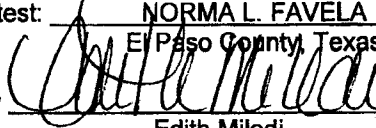
The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.


Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 9th day of February, 2015.

CLERK OF THE COURT
NORMA L. FAVELA, District Clerk
COUNTY COURTHOUSE, ROOM 103
500 E. SAN ANTONIO
EL PASO, TEXAS 79902



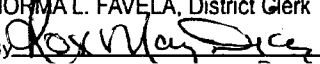
(SEAL)

Attest: **NORMA L. FAVELA**
El Paso County, Texas
By 
Edith Miledi

FILED
NORMA L. FAVELA
DISTRICT CLERK
2015 FEB -9 PM 5:46
EL PASO COUNTY, TEXAS
BY 



Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

A TRUE COPY, I CERTIFY
NORMA L. FAVELA, District Clerk
By 

MAR 12 2015

RETURN

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____
(Name of person who makes the service)

a person competent to make oath, who, being by me duly sworn, deposes and says that this notice came to hand on _____ day of _____, A.D., 20____, at _____ o'clock, ____ M., and was executed by delivering each of the hereinafter named Defendants in person a true copy of this notice, together with accompanying copy of Plaintiff's Original Petition (OCA) attached thereto, at the following times and places, to wit:

NAME	DATE	TIME	Place, and Course and Distance	Mileage
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

And not executed as to the following Defendant, _____

and affiant further says that he is in no manner interested in this suit, and that on each of the notices served upon each of the Defendants served, he endorsed the day and hour when service was made.

(Affiant Sign Here)

SUBSCRIBED and SWORN TO before me this _____

day of _____ A.D., 20____

FEES—SERVING _____ cop _____ \$ _____

Mileage, _____ miles, _____

Total\$ _____

Notary Public _____ County,

State of _____

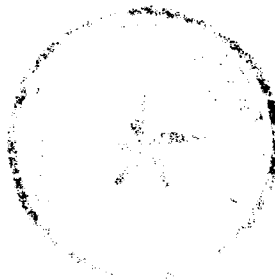
File No. _____

in the County Court No. _____

_____ District Court

of El Paso County, Texas

vs.



863-CITATION-NON-RESIDENT NOTICE—Either Court—Class 3 (Rev. 1-88)

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **CLARENCE GUY**, who may be served with process at **14050 MOHAWK, APPLE VALLEY, CALIFORNIA 92307**

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **168th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

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OMAR HERNANDEZ AND IVAN GERARDO VALDIVIEZO vs. MINN LOGISTICS, INC. AND CLARENCE GUY

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The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 9th day of February, 2015.

CLERK OF THE COURT
NORMA L. FAVELA, District Clerk
 COUNTY COURTHOUSE, ROOM 100
 500 E. SAN ANTONIO
 EL PASO, TEXAS 79901

(SEAL)



Attest: **NORMA L. FAVELA** District Clerk
 El Paso County, Texas
 By *Edith Miledi*
 Edith Miledi

FILED
 NORMA L. FAVELA
 DISTRICT CLERK
 2015 FEB -9 PM 2:47
 EL PASO COUNTY, TEXAS
 DEPUTY



Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

A TRUE COPY, I CERTIFY
NORMA L. FAVELA, District Clerk

By *Deputy*
 Deputy

MAR 12 2015

RETURN

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____
(Name of person who makes the service)

a person competent to make oath, who, being by me duly sworn, deposes and says that this notice came to hand on _____ day of _____, A.D., 20____, at _____ o'clock, ____ M., and was executed by delivering each of the hereinafter named Defendants in person a true copy of this notice, together with accompanying copy of Plaintiff's Original Petition (OCA) attached thereto, at the following times and places, to wit:

NAME	DATE	TIME	Place, and Course and Distance	Mileage
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

And not executed as to the following Defendant, _____

and affiant further says that he is in no manner interested in this suit, and that on each of the notices served upon each of the Defendants served, he endorsed the day and hour when service was made.

(Affiant Sign Here)

SUBSCRIBED and SWORN TO before me this _____

day of _____ A.D., 20____

FEES—SERVING _____ cop _____ \$ _____

Mileage, _____ miles, _____

Total\$ _____

Notary Public _____ County,

State of _____

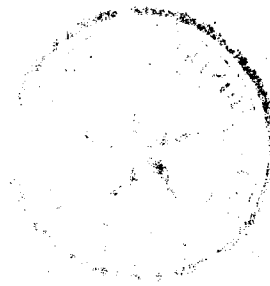
File No. _____

in the County Court No. _____

_____ District Court

of El Paso County, Texas

vs.



El Paso County - 168th District Court

Filed 2/26/2015 1:35:52 PM

863-CITATION-NON-RESIDENT NOTICE—Either Court—Class 3 (Rev. 1-88)

Norma L. Favela
District Clerk
El Paso County
2015DCV0037

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

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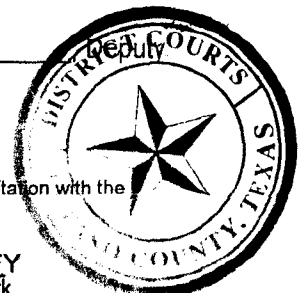
Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 9th day of February, 2015.

CLERK OF THE COURT
NORMA L. FAVELA, District Clerk
COUNTY COURTHOUSE, ROOM 103
500 E. SAN ANTONIO
EL PASO, TEXAS 79901

(SEAL)



Attest: NORMA L. FAVELA District Clerk
El Paso County, Texas
By Edith Miledi
Edith Miledi



Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

A TRUE COPY, I CERTIFY
NORMA L. FAVELA, District Clerk
By Roxana Sica
Deputy

MAR 12 2015

RETURN

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____
(Name of person who makes the service)

a person competent to make oath, who, being by me duly sworn, deposes and says that this notice came to hand on _____ day of _____, A.D., 20____, at _____ o'clock, ____ M., and was executed by delivering each of the hereinafter named Defendants in person a true copy of this notice, together with accompanying copy of Plaintiff's Original Petition (OCA) attached thereto, at the following times and places, to wit:

NAME	DATE	TIME	Place, and Course and Distance	Mileage
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

And not executed as to the following Defendant, _____
and affiant further says that he is in no manner interested in this suit, and that on each of the notices served upon each of the Defendants served, he endorsed the day and hour when service was made.

**AFFIDAVIT
ATTACHED**

(Affiant Sign Here)

SUBSCRIBED and SWORN TO before me this _____
day of _____ A.D., 20____

FEES—SERVING _____ cop _____ \$ _____

Mileage, _____ miles, _____

Total\$ _____

Notary Public _____ County,

State of _____

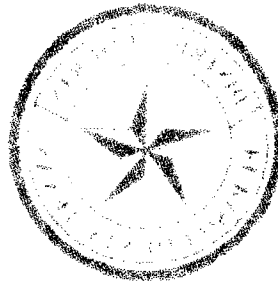
File No. _____

in the County Court No. _____

_____ District Court

of El Paso County, Texas

VS.



CAUSE NUMBER: 2015-DCV-0037

OMMAR HERNANDEZ, ET AL.
PLAINTIFF

VS.

MINN LOGISTICS, INC., ET AL.
DEFENDANT

IN THE DISTRICT COURT
EL PASO COUNTY, TEXAS
168TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, on this day Neil Hanson (server), personally appeared and stated under oath as follows:

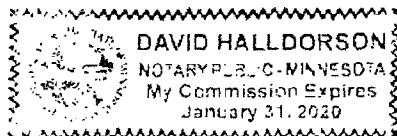
1. My name is Neil Hanson (server). I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 230 2nd Ave S., Minneapolis MN
(SERVERS ADDRESS)
2. ON 2-23-15 (DATE) AT 4:30 (P) M (TIME) CITATION WITH PLAINTIFF'S ORIGINAL PETITION came to hand for delivery to MINN LOGISTICS, INC., BY SERVING THROUGH ITS REGISTERED AGENTS OFFICE.
3. ON 2-24-15 (DATE) AT 2:46 (P) M (TIME) The above named documents were delivered to: MINN LOGISTICS, INC., BY SERVING THROUGH ITS REGISTERED AGENTS OFFICE by delivering to:
Abu Muhidin, President
(NAME AND TITLE) a person authorized to accept service @
2817 Anthony Lane S. #211, Minneapolis MN
(ADDRESS), by Corporate Service, in accordance to Rule 108 TRCP.

FURTHER AFFIANT SAYETH NOT.

Neil Hanson
SERVER'S SIGNATURE

Neil Hanson
SERVER'S PRINTED NAME

SWORN TO AND SUBSCRIBED before me by Neil Hanson (server) appeared on this 25 day of February, 2015 to attest witness my hand and seal of office.



David Halldorson
NOTARY PUBLIC IN AND
FOR THE STATE OF MN

2015.02.2712



El Paso County 168th District Court

Filed 3/4/2015 11:32:57 AM

863-CITATION-NON-RESIDENT NOTICE—Either Court—Class 3 (Rev. 1-88)

Norma L. Favela
District Clerk
El Paso County
2015DCV0037

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **CLARENCE GUY**, who may be served with process at **14050 MOHAWK, APPLE VALLEY, CALIFORNIA 92307**

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OMAR HERNANDEZ AND IVAN GERARDO VALDIVIEZO vs. MINN LOGISTICS, INC. AND CLARENCE GUY

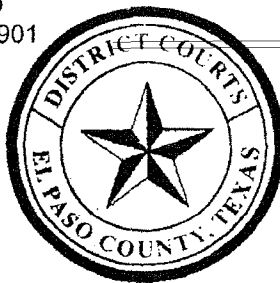
The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 9th day of February, 2015.

CLERK OF THE COURT
NORMA L. FAVELA, District Clerk
COUNTY COURTHOUSE, ROOM 103
500 E. SAN ANTONIO
EL PASO, TEXAS 79901

(SEAL)



Attest: NORMA L. FAVELA District Clerk
El Paso County, Texas
By Edith Miledi
Edith Miledi



Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

A TRUE COPY, I CERTIFY
NORMA L. FAVELA, District Clerk

By Roxana May
Deputy

MAR 12 2015

RETURN

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____
(Name of person who makes the service)
a person competent to make oath, who, being by me duly sworn, deposes and says that this notice came to hand on _____ day of _____, A.D., 20____, at _____ o'clock, ____ M., and was executed by delivering each of the hereinafter named Defendants in person a true copy of this notice, together with accompanying copy of Plaintiff's Original Petition (OCA) attached thereto, at the following times and places, to wit:

NAME	DATE	TIME	Place, and Course and Distance	Mileage
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

And not executed as to the following Defendant, **AFFIDAVIT**
ATTACHED
and affiant further says that he is in no manner interested in this suit, and that on each of the notices served upon each of the Defendants served, he endorsed the day and hour when service was made.

(Affiant Sign Here)

SUBSCRIBED and SWORN TO before me this _____
day of _____ A.D., 20____

FEES—SERVING _____ cop _____ \$ _____

Mileage, _____ miles, _____

Total\$ _____

Notary Public _____ County,

State of _____

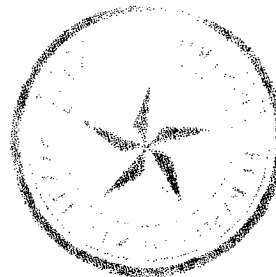
File No. _____

in the County Court No. _____

_____ District Court

of El Paso County, Texas

VS.



CAUSE NUMBER: 2015-DCV-0037

OMMAR HERNANDEZ, ET AL.
PLAINTIFF

VS.

MINN LOGISTICS, INC., ET AL.
DEFENDANT

IN THE DISTRICT COURT
EL PASO COUNTY, TEXAS
168TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, on this day JOE H. HASBERRY (server), personally appeared and stated under oath as follows:

1. My name is JOE H. HASBERRY (server). I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 20352 PAHUTE RD APPLE VALLEY CA, 92308
(SERVERS ADDRESS)
2. ON 2/24/2015 (DATE) AT 9:00 (A) M (TIME)
CITATION WITH PLAINTIFF'S ORIGINAL PETITION came to hand for delivery to CLARENCE GUY.
3. ON 2/27/2015 (DATE) AT 9:15 (A) M (TIME)
The above named documents were delivered to: CLARENCE GUY @
14050 MOHAWK RD APPLE VALLEY CA, 92307
(ADDRESS), by Personal Service, in accordance to Rule 108 TRCP.

FURTHER AFFIANT SAYETH NOT.

Joe H. Hasberry
SERVER'S SIGNATURE

JOE H. HASBERRY
SERVER'S PRINTED NAME

SWORN TO AND SUBSCRIBED before me by _____ (server)
appeared on this _____ day of _____, 2015 to attest witness my
hand and seal of office.

SEE ATTACHED
NOTARIAL CERTIFICATE

NOTARY PUBLIC IN AND
FOR THE STATE OF _____

2015.02.2713



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

JURAT

State of California

County of San Bernardino

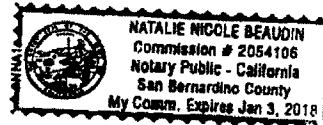
} ss.

Subscribed and sworn to (or affirmed before me) on this 21TH day of FEBRUARY, 2015

by JOE H. HASBERRY

Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.


Signature



Notary Seal

OPTIONAL INFORMATION

Description of Attached Document CAUSE NUMBER 2015 DCU 0037

AFFIDAVIT OF SERVICE

Number of Pages 2nd pg

Document Date 2/27/2015

Right Thumbprint of Signer
(Optional)

